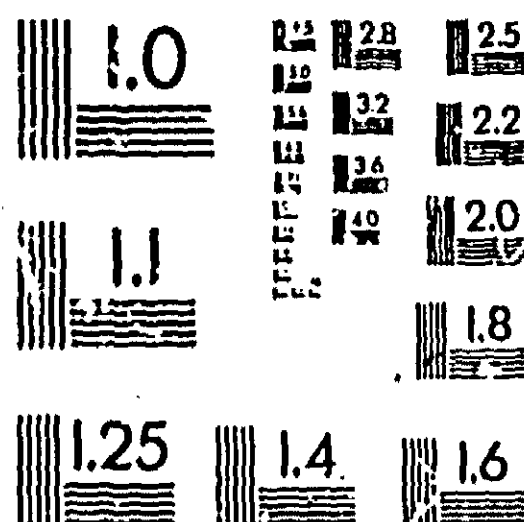
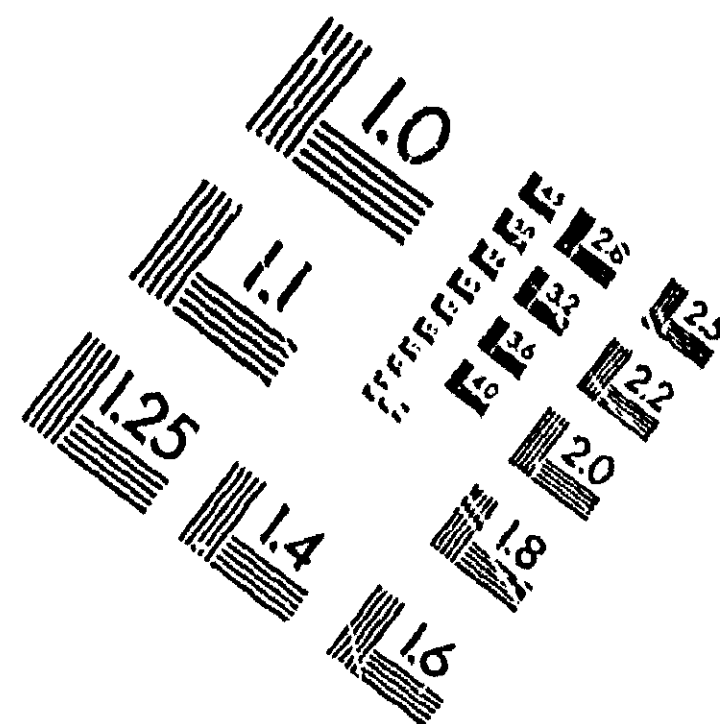
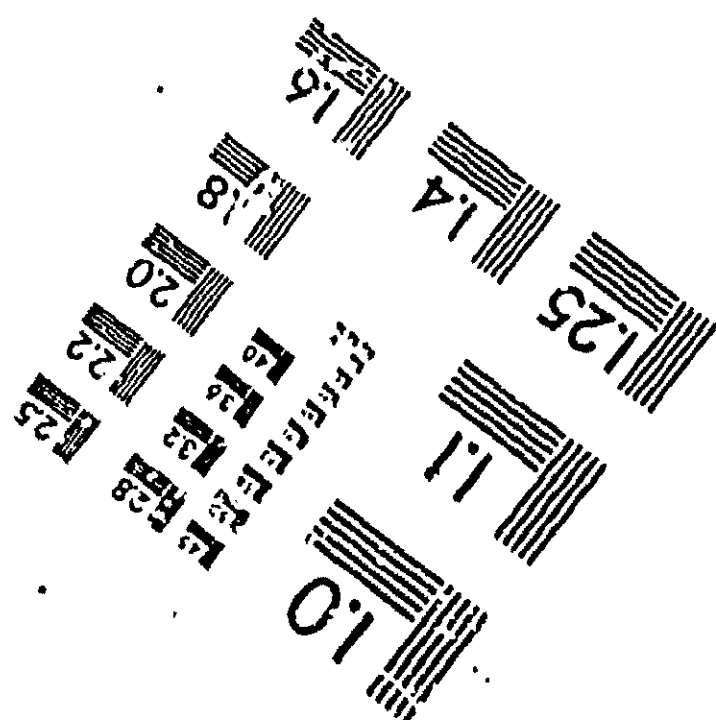


IMAGE EVALUATION TEST TARGET (MT-3)

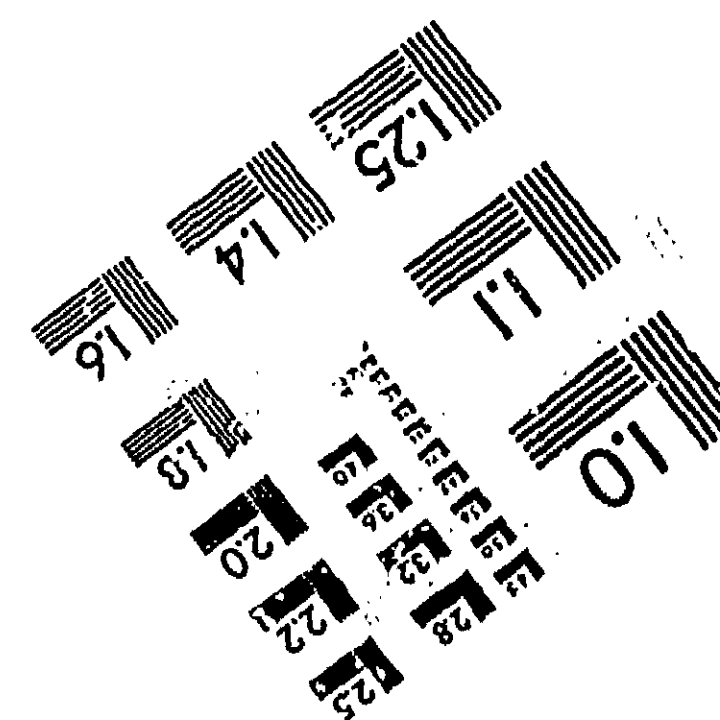


150mm

6"



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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-207587

DATE: June 4, 1982

MATTER OF: Bernard Franklin Company

DIGEST:

Protest that the specifications in a solicitation are proprietary and restrictive of competition concerns an impropriety that is apparent in the solicitation and where the protest is not filed with GAO or contracting activity prior to initial closing date for receipt of proposals, it is untimely and will not be considered.

Bernard Franklin Company protests that the requirements set forth in a Request for Proposals (RFP) N00244-82-R-3283, issued by the Department of the Navy, restricts competition to a proprietary product. The protest was filed in our Office on May 19, 1982 and included a copy of a letter of protest addressed to the Navy which was dated May 13, 1982. We are informed that the closing date for receipt of proposals was April 6, 1982.

We dismiss the protest. Under our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(1)(1981), protests initially filed with the contracting agency or this Office concerning alleged improprieties apparent in a solicitation must be filed prior to the closing date for receipt of proposals. In this instance, the initial protest was not filed until more than a month after that date and, consequently, the protest is untimely.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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